

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA	)	Criminal No. 2:16cr6
	)	
v.	)	
	)	
ANTHONY L. BURFOOT,	)	
	)	The Honorable Henry Coke Morgan
Defendant.	)	

**GOVERNMENT'S NOTICE OF INTENTION TO INTRODUCE CERTIFIED  
DOMESTIC RECORDS OF REGULARLY CONDUCTED ACTIVITY**

The United States of America, through its undersigned counsel, and pursuant to Federal Rule of Evidence 902(11) provides written notice to counsel of its intention to introduce evidence at trial of certain domestic records of regularly conducted activity that would be admissible under Federal Rule of Evidence 803(6). The United States further submits that the documents are accompanied by a written declaration of its custodian or other qualified person and said declarations are made under penalty of perjury. The affidavits further certify as required by Federal Rule of Evidence 902(11) that the records were:

- (A) made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters;
- (B) was kept in the course of regularly conducted activity; and
- (C) was made by the entity as a regular practice.

The United States further submits that the affidavits and accompanying business records are as follows:

1. Affidavit of Brittany E. Meklin with Verizon Wireless, dated May 2, 2013, for subscriber information, call detail and toll records for a phone number ending 0226.

2. Affidavit of Cynthia Remy with T-Mobile USA, dated June 19, 2014, for subscriber records for the following phone numbers: (xxx) xxx-7182, (xxx) xxx-1027, (xxx) xxx-5341, (xxx) xxx-4229, (xxx) xxx-8210, (xxx) xxx-4407, (xxx) xxx-8871, (xxx) xxx-7006, (xxx) xxx-2301, (xxx) xxx-5942, and (xxx) xxx-2353.

3. Affidavit of Matthew Goldsmith with Cellco Partnership, DBA Verizon Wireless, dated July 27, 2015, for subscriber information, call detail and toll records.

4. Affidavit of Mark Merckling with Sprint, dated October 26, 2016, for call detail records for a phone number ending 8582.

5. Affidavits of Donna N. Zelinsky with TowneBank, dated November 29, 2013, December 13, 2013, April 24, 2014 and January 27, 2015, for customer account records for the following account numbers: xxxxx4301, xxxxx1938, xxxxx2302, xxxxx6093, xxxxx3801, xxxxx4226, xxxxx5481, xxxxx3869, xxxxx9384, xxxxx8647, xxxxx0929, xxxxx9003 and xxxxx5938.

6. Affidavits of Debra Hall with Old Point National Bank, dated May 8, 2015 and June 26, 2015, for customer account records.

7. Affidavits of Sue Carroll with Branch Banking and Trust Company, dated July 10, 2013, for customer account records.

8. Affidavit of Joey Bengston with Branch Banking and Trust Company, dated January 22, 2014, for customer account records.

9. Affidavit of Patricia Cober with Branch Banking and Trust Company, dated April 16, 2014, for customer account records.

10. Affidavit of Bonita Ward with NAE Federal Credit Union, dated November 30, 2015, for customer account records for the following account numbers: xxxx11-L4, xxxx11-S1, xxxx74-S1, xxxx93-S5, xxxx93-X1.

11. Affidavits of Debra Taylor with Wells Fargo Bank, dated June 19, 2013 and October 28, 2013, for customer account records for the following account numbers: xxxxxxxxxxxx9096, xxxxxxxxx8222, xxxxxxxxx0219, and xxxxxxxxx8268.

12. Affidavit of Brittany Rozdzielski with Wells Fargo Bank, dated May 13, 2014, for customer account records for the following account numbers: xxxxxxxxxxxx9096, xxxxxxxxxxxx8222, xxxxxxxxx0219, and xxxxxxxxx8268.

13. Affidavit of Nancy Williams with Bank of America, dated May 21, 2013, for customer account records for the following account numbers: ending 7485, ending 7472, ending 3799, ending 3702 and ending 3701.

14. Affidavit of Mark Shulman with SunTrust Mortgage, dated May 3, 2013, for a loan file.

15. Affidavit of Toni Lamanna with American Express, dated November 21, 2014, for customer account records.

16. Affidavit of Norma Reynierse with Dominic P. Lascara, PLC, dated September 18, 2015, closing documents for sale of a home on Winthrop Street in Norfolk, Virginia.

17. Affidavit of H. Joel Weintraub with Decker, Cardon, Thomas, Weintraub & Neskis, PC, dated August 28, 2015 for closing documents.

Over the course of discovery in this case – most of which was produced between February and March 2016 – the United States provided copies of all these records to counsel for

the defendant. The United States is providing counsel under separate cover the aforementioned affidavits, and further advises that the original affidavits are available for inspection.

The trial of this matter is scheduled for November 7, 2016, and witnesses to certify these records have been subpoenaed. Should these witnesses be needed to testify, they would be required to travel to Norfolk from other states including, New Jersey, North Carolina, and Florida. To date, the defendant has not agreed to stipulate to the admissibility of these business records. Therefore, in order to eliminate unnecessary travel for these witnesses, and to avoid delay during what may already be a lengthy trial, the United States requests a pretrial hearing to allow the court to rule on the admissibility of these business records in the event the defendant raises any objection.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of October 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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